

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 3991 OF 2015

Shri Bhiku Alias Bhika maruti Vayakar & Anr. ... Petitioners
V/s.
Shri Balu Bhikaji Kadam (Since deceased)
Through Lrs, & Ors. ... Respondents

WITH

WRIT PETITION (STAMP) NO. 2628 OF 2015

Shri Mohan Bhika Vayakar and Ors. ... Petitioners
V/s.
Shri Balu Bhikaji Kadam (Since deceased)
Through Lrs, & Ors. ... Respondents

...

Mr. M. J. Patil for the Petitioner.
Mr. V. P. Sawant i/b. Mr. V. Kanade for Respondent Nos. 2, 3, 4 & 13.
Mr. S. D. Rayrikar-AGP for Respondent Nos. 14 to 17 and 19.

CORAM : M. S. SONAK, J.
DATE :20 JANUARY, 2016

P.C. :

1. The learned counsel for the parties agree that the facts and circumstances both the petitions are similar and therefore, both the petitions can be disposed by a common order.

2. The challenge in these petitions is to the orders dated 19th August 2014, by which the State Government has dismissed the petitioners Revision Applications.

3. Mr. Patil, the learned counsel for the petitioners points out that the Roznama dated 25.10.2013, which records that both the parties were to submit written submissions within 15 days and the matter was thereafter closed for orders, is wrong and does not reflect what actually transpired before the Minister (Revenue). He submitted that factually no opportunity of hearing afforded to the petitioners and the impugned orders made on 19.08.2014 is in breach of principles of natural justice and fair play. He submitted that even otherwise, on the merit the impugned order is vulnerable and is required to be set aside.

4. I have heard the learned counsel of the parties and perused the record. In my judgment, it is not necessary to entertain the present petitions. At the outset, entries in Roznama cannot be challenged in this manner. If at all, the entries recorded in the Roznama do not reflect the correct position, then, the party has to move the same authority and request for correction of the Roznama, before any grievance is made before any other forum. That apart, the petitioners, never chose to challenge the entries in the Roznama. In the Roznama dated 25.10.2013,

it is clearly indicated that the parties were to file their written submissions and the matters were closed for orders. At this stage, therefore, the ground with regard to breach of principles of natural justice and fair play, cannot be entertained.

5. Further the impugned orders, relate to entries in revenue records. The settled position in law is that mere entries in revenue record are not determinative of title of the parties to the suit property. The parties are always at liberty to institute appropriate proceeding before the Civil Court for such relief. In these cases also, in case, any of the parties choose to institute appropriate proceedings before the Civil court, it is directed that the Civil Court shall decide such proceedings without in any manner being influenced by the observations made by the revenue authorities, including the Minister (Revenue) in the orders which forms the subject matter of these proceedings. Similarly, the Civil Court should also not be influenced by the circumstance that these petitions are not being entertained by this Court. It is made clear that all contentions of all parties in relation to their civil rights are left open for adjudication by the Civil Court, in case, any of the parties choose to institute appropriate proceedings before the Civil Court.

6. With the aforesaid observations, these petitions are disposed of. There shall be no order as to costs.

7. All concerned to act on the basis of the authenticated copy of this order.

(M. S. SONAK, J.)